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| APPLICATION NO.        | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------|-------------|----------------------|---------------------|------------------|
| 10/072,236             | 02/07/2002  | Kaoru Chiba          | F-7313              | 3316             |
| 28107                  | 7590        | 04/30/2007           | EXAMINER            |                  |
| JORDAN AND HAMBURG LLP |             |                      | KEEFE, STEPHEN L    |                  |
| 122 EAST 42ND STREET   |             |                      |                     |                  |
| SUITE 4000             |             |                      | ART UNIT            |                  |
| NEW YORK, NY 10168     |             |                      | PAPER NUMBER        |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                              |                     |
|------------------------------|------------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b>       | <b>Applicant(s)</b> |
|                              | 10/072,236                   | CHIBA, KAORU        |
|                              | Examiner<br>Stephen L. Keefe | Art Unit<br>3627    |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 September 2006 and 01 September 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-6,10,12-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-6,10 and 12-15 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 07 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
- Certified copies of the priority documents have been received.
  - Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application  
6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 4, 6, 10, 12, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US 6,138,106).

Regarding claims 1 and 10, Walker et al. discloses an on-line selling system comprising:

A sale processing system storing a first selling program, said first selling program defining a first process of selecting and buying, for enabling a user's terminal to engage with said sale processing system for selecting and buying (column 2, lines 47-51 and column 8, lines 39-43 and column 9, lines 39-43, 60-64).

Said sale processing system including a Web site via which the user's terminal is capable of engaging the first selling program and placing a first order (column 6, lines 27-30).

The sale processing system being capable of accepting the first order performing a sale price settlement associated with the first order, and processing delivery of the first order (column 9, lines 60-65 and column 10, lines 63-65).

A goods supply system that supplies an item of goods to the sale processing system (column 9, lines 5-8).

The goods supply system includes a program-providing device, the program-providing device providing a second selling program to the sale processing system, the second selling program defining a second process of selecting and buying the item of goods from the goods supply system (column 9, lines 64-67 and column 10, lines 1-10).

The second selling program causes the user's terminal that has accessed the Web site to display on a monitor thereof the second process of selecting and buying the item of goods supply system (column 4, lines 1-5 and column 10, lines 39-41).

The second selling program causes the user's terminal to transmit a second order for the item of goods bought through the second process displayed on the user's terminal to the sale processing system (column 10, lines 6-10).

The second selling program being written in a www script language and being provided from the Web site to the user's terminal to thereby be executed on the user's terminal in association with a Web browsing program (column 4, lines 1-5).

What Walker et al. does not disclose is that the second buying process is different from the first buying process.

However, Walker et al. teaches that "an interactive, game-like process" may be used that "provides entertainment value" to the buyer, suggesting a varying and entertaining interface (column 10, lines 22-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the on-line

selling system disclosed by Walker et al. to have a second buying process different from the first process to provide "an interactive, game-like process" that "provides entertainment value" to the buyer (column 10, lines 22-26).

Regarding claims 3 and 12, Walker et al. discloses an on-line selling system wherein the second selling program is configured to execute a prescribed piece of lot-drawing processing to thereby determine an item of goods to be sold to the user (column 7, lines 21-23 and column 9, lines 5-8).

Regarding claims 4 and 13, Walker et al. discloses an on-line selling system wherein the Web site is capable of causing the user's terminal that has made access thereto to display on the monitor thereof a Web page containing therein a prescribed image associated with execution of the second selling program and the second selling program is executed in response to a user's selecting operation performed with respect to the prescribed image (column 10, lines 6-10, 22-25, 39-41).

Regarding claims 6 and 15, Walker et al. discloses an on-line selling system wherein the program-providing device is capable of transmitting the second selling program to a client included in the sale processing system (column 10, lines 39-44).

2. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. ('106) in view of Satchell et al. (US 5,822,216).

Walker et al. discloses an on-line selling system comprising a user's terminal that has accessed a website to display on the monitor a selling interface that is "very game-like in nature" (column 10, lines 55-57).

What Walker et al. does not disclose is that a vending machine interface.

However, Satchell et al. teaches that it is known to combine the features of a vending machine with an internet connection to provide an on-line selling system that "provides entertainment" (column 2, lines 1-10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the on-line selling system disclosed by Walker et al. to combine a vending machine interface with an internet connection, as taught by Satchell et al., to provide an on-line selling system that "provides entertainment" to an on-line buyer (column 2, lines 8-10).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smith (US 5,860,362), Handelman (US 5,539,450), Bush (US 5,475,585), Hayashi (US 4,809,837), Farmer et al. (US 6,229,533), Veeneman et al. (US 5,652,421), and Veeneman et al. (US 5,243,174) provide additional concepts for on-line selling systems.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Keefe whose telephone number is 571-272-5652. The examiner can normally be reached on 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, F. Ryan Zeender, can be reached at (571) 272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-5652.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



4/25/07

F. Ryan Zeender  
Supervisory Primary Examiner  
Art Unit 3627

SLK  
4/2/07